

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHELLY JOHNSON,

Plaintiff,

v.

HEIGHTS FINANCE CORPORATION and
BONAFIDE RECOVERY & TRANSPORT, LLC,,

Defendant.

ORDER

19-cv-171-wmc

In accordance with the stipulation of dismissal filed Wednesday (dkt. #11) plaintiff's claims against defendants Heights Finance Corporation and Bonafide Recovery & Transport LLC are DISMISSED WITH PREJUDICE. In addition, defendant Heights Finance has asserted crossclaims for breach of contract and contribution/indemnity against Bonafide Recovery. (*See* dkt. #7 at 8-11.) Unless the court would have had original jurisdiction over these remaining claims, the court's normal practice is not to exercise supplemental jurisdiction under 28 U.S.C. § 1367, particularly at such an early stage in the proceedings. Since there is no reference to the cross claims in the parties' stipulation, defendants may have until June 28, 2019, to provide the court with notice that they wish to proceed with these claims. If so, defendants may have until July 8, 2019, to demonstrate that the court has original jurisdiction over the remaining dispute. *See* 28 U.S.C. § 1332(a)(1) (requiring diversity of citizenship and \$75,000 in controversy); 28 U.S.C. 1332(c)(1) ("a corporation shall be deemed to be a citizen of every State . . . by which it has been incorporated and of the State . . . where it has its principal place of

business”); *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998) (“[T]he citizenship of an LLC for purposes of the diversity jurisdiction is the citizenship of its members.”). Failing to do either, the court will decline to exercise jurisdiction and dismiss the remaining dispute.

Entered this 21st day of June, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge